

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

BILLY-JO CLUNEY,	)	
	)	
Plaintiff	)	
	)	
v.	)	1:24-cv-00207-SDN
	)	
BROWNELLS, INC., et al.,	)	
	)	
Defendants	)	

**AMENDED SCHEDULING ORDER**

The Court grants the relief requested in the Joint Objection to Scheduling Order (ECF No. 39) and amends the Scheduling Order as follows:

Track Assignment: This case has been assigned to the Complex Track. Discovery shall be governed by the Federal Rules of Civil Procedure, including the scope of discovery outlined in Rule 26(b)(1).

Deadline for Initial Disclosures Pursuant to Fed.R.Civ.P. 26(a)(1): May 27, 2025

Deadline for Amendment of the Pleadings and Joinder of Parties: July 14, 2025

Deadline to Complete Fact Discovery: December 19, 2025

Plaintiff shall designate experts required to be disclosed by Fed.R.Civ.P. 26(a)(2)(A) (including treating physicians and other non-retained or specially employed experts) and, with respect to each of them, provide a complete statement of all opinions to be expressed and the basis and reasons therefore by: January 23, 2026

Defendants shall designate experts required to be disclosed by Fed.R.Civ.P. 26(a)(2)(A) (including treating physicians and other non-retained or specially employed

experts) and, with respect to each of them, provide a complete statement of all opinions to be expressed and the basis and reasons therefore by: February 27, 2026

If the expert is retained or specially employed to provide expert testimony in the case or the expert's duties as an employee of a party regularly involve giving expert testimony, the disclosure shall also include the other categories of information specified in Fed.R.Civ.P. 26(a)(2)(B). All required information may, but need not, be provided in the form of a written report prepared and signed by the expert.

Deadline to Complete Discovery: May 1, 2026

Counsel are advised that absent some excusable circumstance, discovery initiatives must be timely initiated so that the response of the opposing party is filed prior to the discovery deadline.

Deadline to File Notice of Intent to File Motion for Summary Judgment and Need for a Pre-Filing Conference Pursuant to Local Rule 56(h): May 8, 2026

Deadline for Filing of All Dispositive Motions and All *Daubert* and *Kumho* Motions<sup>1</sup> Challenging Expert Witnesses with Supporting Memoranda: May 29, 2026

Expected Trial Date: The case shall be ready for trial by August 5, 2026.

Further Matters in Aid of Disposition: Plaintiff shall make a written settlement demand upon Defendant by April 20, 2026. Defendants shall respond in writing by May 4, 2026.

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<sup>1</sup> *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993); *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999). Such motions shall include any challenges to lack of qualifications, scope of testimony and any other issues addressed by these decisions.

Consent to the Magistrate Judge: The parties may consent to allow the Magistrate Judge to conduct all proceedings, to enter final orders and judgment, and to conduct any jury or non-jury trial as required in this case. The Magistrate Judges typically schedule the civil cases to which they are assigned for a specific trial date. If the parties consent to Magistrate Judge John C. Nivison conducting all proceedings, the parties shall complete and file the consent form found on the Court's website.

SO ORDERED.

/s/ John C. Nivison  
U.S. Magistrate Judge

Dated this 19th day of May, 2025.